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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

Conservatorship of the Person of A.A.

SAN DIEGO COUNTY HEALTH AND  
HUMAN SERVICES AGENCY,

Petitioner and Respondent,

v.

Mary A.,

Objector and Appellant.

D075206

(Super. Ct. No. MH115670)

APPEAL from a judgment of the Superior Court of San Diego County, Margie G. Woods, Judge. Appeal dismissed.

Suzanne Davidson, under appointment by the Court of Appeal for Objector and Appellant.

No appearance by Petitioner and Respondent.

Objector and conservatee's mother, Mary A., appeals the trial court's order establishing a conservatorship over her adult son, A.A. The record before this court is sparse, but shows that on December 5, 2018 the San Diego County Public Conservator filed a petition under the Lanterman–Petris–Short Act (LPS Act) (Welf. & Inst. Code § 5000 et seq.) for appointment of conservator of the person and temporary conservator over A.A. The petition alleged the establishment of the conservatorship was necessary because A.A. remained gravely disabled as a result of mental illness and could not voluntarily accept treatment. A.A. and his counsel were personally served with the petition. In response, A.A.'s counsel filed an "advisal to proposed conservatee" indicating she explained to A.A. the nature and purpose of the hearing to establish a conservatorship, the consequences of establishment of a conservatorship, and A.A.'s rights as a proposed conservatee. Two days later, the Public Conservator sent A.A. and his counsel a copy of the conservatorship investigation report.

A.A. did not attend the December 20, 2018 hearing on the Public Conservator's petition, but Mary A. was present. A.A.'s counsel informed the court that A.A. had not consented to discussing the case with his mother and requested the proceedings be closed to the public, including Mary A. The court granted the request and thereafter the parties stipulated to receipt of the conservatorship investigator's report and the court indicated it was entering its order in accordance with the recommendations in the report. A.A.'s counsel then stated his client was contesting waiving his presence at the hearing. Mary A. filed a notice of appeal on January 8, 2018, indicating she was A.A.'s legal

representative and was challenging the court's findings and orders at the December 20, 2018 hearing.

Citing *People v. Wende* (1979) 25 Cal.3d 436, *Anders v. California* (1967) 386 U.S. 738, and *Conservatorship of Ben C.* (2007) 40 Cal.4th 529 (*Ben C.*), Mary A.'s appointed counsel asks that we independently review the record to determine whether there are any arguable appellate issues. Pursuant to *Anders*, counsel lists as possible but not arguable issues: (1) Whether substantial evidence supported the finding that A.A. was gravely disabled and (2) whether substantial evidence supported the placement of A.A. in a closed, locked facility.

In *Ben C.*, the California Supreme Court concluded that *Wende* and *Anders* procedures are not mandated in an appeal of a judgment for a conservatorship of the person under the LPS Act. (*Ben C.*, *supra*, 40 Cal 4th at p. 535.) We decline to exercise our discretion to review the record for error. We have reviewed the brief submitted by Mary A.'s appointed counsel, including the possible issues. We have given Mary A. the opportunity to file a supplemental brief. She has not done so. Competent counsel has represented her in this appeal.

DISPOSITION

The appeal is dismissed.

McCONNELL, P. J.

WE CONCUR:

BENKE, J.

DATO, J.